

Memorandum

To: ALL CONSTRUCTION SENIORS and ABOVE
ALL RESIDENT ENGINEERS

Date: February 18, 2000

File: Construction Program
Directive CPD 00-1

From: DEPARTMENT OF TRANSPORTATION
Construction Program
Mail Station 44

Subject: Complying with the Surface Mining and Reclamation Act (SMARA) during Construction

Please distribute this information to all of your Resident Engineers as soon as possible. Also, please make it available to all your contractors.

Under SMARA, State agencies are prohibited by the State Contracts Act from accepting mined mineral aggregate material which is not SMARA compliant. Non-SMARA compliant materials are those materials from surface mines that are not exempt nor on the AB3098 list published quarterly by the Department of Conservation (DOC).

This directive supersedes the previous policy letter (dated September 17, 1993) sent to you concerning implementation of SMARA. This letter is to update you about current policy and practices.

Caltrans has determined that imported materials from the following sources need to be listed on the AB3098 list in order to be compliant with SMARA:

1. Materials from mined sources, or
2. Materials from commercial vendors and suppliers, or
3. Materials from Federally-owned lands where there is an agreement between the Federal land holding agency and the DOC that SMARA applies, or
4. Materials from Indian reservations where there is an agreement between the reservation and the DOC that SMARA applies.

In addition to the specific exemptions listed in SMARA, Caltrans has determined that imported material from the following types of sources to be compliant with SMARA **do not require** inclusion on the AB3098 list if the:

1. Imported material that is from a development or other non-mining source where the material is a by-product of construction and this source: a) has approval in a local agency plan; and b) has California Environmental Quality Act approval, or
2. Caltrans construction project's environmental approval appropriately considers the construction phase and the completed project is adequate in meeting the "reclamation" of the site approval requirements. This means that excess material generated from within the project (on-site) is to be: a) incorporated into the work; b) disposed on-site; or c) disposed off-site, or
3. Materials are from failures of natural or man-made slopes within Caltrans right of way as a result of storms, slides or slipouts, or
4. Materials from outside the State of California, or
5. Materials originate from an Indian reservation where there is no agreement between the reservation and the DOC that SMARA applies, or
6. Materials are from Federally-owned lands where there is no agreement between the Federal land holding agency and the DOC that SMARA applies.

Any challenges to the acceptance of materials should be referred to your Construction Coordinator for assistance with resolution. If you have additional questions about the applicability of SMARA, these should be brought to the attention of Roger Cook at CALNET 464-2735 or (916) 654-2735.

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